

The Honorable Ajit Pai  
The Honorable Mignon Clyburn  
The Honorable Michael O'Rielly  
The Honorable Brendan Carr  
The Honorable Jessica Rosenworcel

VIA ELECTRONIC SUBMISSION

Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Notice of Proposed Rulemaking for 'Restoring Internet Freedom'

Dear Chairman and Commissioners:

Below please find comments regarding the Notice of Proposed Rulemaking for 'Restoring Internet Freedom'.

- Par. 5: "(to) reverse the decline in infrastructure investment, innovation, and options for consumers put in motion."
  - In the 1990's the U.S. had thousands of smaller Internet Service Providers.
  - In the past 20 years through multiple acquisitions, the U.S. effectively has an oligopoly of major service providers (Comcast, Charter, AT&T, and Verizon).
  - In the June 30, 2016 Internet Access Services report published by the Wireline Competition Bureau within the Industry Analysis and Technology Division of the FCC, it is shown that 58% and 78% of U.S. census blocks have zero or one option for 25 and 100 Mbps service respectively.
  - In consideration of the paragraph of interest above, please further substantiate how reclassifying internet from a utility to an information service will enable more options for consumers and further infrastructure investment.
  - Please address how providing an unfettered and minimum measurable telecommunications speed (bits per second) under the incumbent utility interpretation is an impediment to infrastructure investment, innovation, and options.
- Par. 23: "Providers invested over \$1.5 trillion to construct networks."
  - Please elaborate on this figure and account for local, state, and Federal subsidies or other similar incentives. Additionally, further analysis into the delivery or execution of said commitments incentivized by these subsidies by the private entities would provide additional context to this figure.

- Par.27: “We believe that Internet service providers offer the “capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications.””
  - Equivalently this can be re-written as “ISPs provide telecommunication services that enable capabilities for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making information available.”
  - At a technical and market level, internet service providers provide communication services through which the above capabilities are enabled, and are not responsible for developing these capabilities. An endpoint 3<sup>rd</sup> party, such as Reddit, is the content provider and enabler of the mentioned capabilities.
  
- Par. 28: “In the Title II Order, the Commission in turn found that “consumers are very likely to use their high-speed Internet connections to take advantage of competing services offered by third parties”
  - This is under the assumption competing third party’s services are available. Third party services are available via unfettered telecommunication access to service end points.
  - How does reclassifying to an information service ensure there is unfettered access to end points?
  
- Par. 29: Many uses cases exist where users need to be aware of IP addresses, port numbers, domain names, and other details. Such instances including:
  - Personal hosting of email services
  - Secure network attached storage
  - Private virtual private network for secure connection between locations especially with respect to the Internet of Things
  - Communications and game servers
  - Home security systems

Specifically, other functionalities for domain specific transmission of information are defined by the transport layer of the Internet Protocol Suite (TCP/IP) through usage of ports. Other uses include FTP, time communication protocols, and VPN servers to name a few. Many of these are formalized by the Internet Assigned Numbers Authority (ICANN).

- Par. 30: This is analogous to the expectation that someone will put a lock on the door to my house. It is not legally required; however, it is a best practice. I do not expect my internet service provider to protect me from all threats- for them to represent themselves to do so would be exposing them to litigation and massive liability. Further as a telecommunications medium I would protest the limitation of access under the guise of protecting me
  
- Par. 32: This section cites “47 U.S. Code § 231 - Restriction of access by minors to materials commercially distributed by means of World Wide Web that are harmful to minors”

- The following statement is taken out of context in reference to the deprecated term of World Wide Web and in section (e)(1) explicitly defines the 'World Wide Web' as server communications facilitated through hypertext transfer protocol (HTTP). There are multiple other protocols used for telecommunication beyond HTTP. The scope of this regulation fails to recognize other uses of the internet telecommunications service beyond the naive view that the internet is an information service solely defined as casual HTTP website browsing, consumption of streaming media, and social media.

Sincerely,

Mark Stevenson